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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 30th November, 2013

No.12226 / L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 29th November, is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA SURVEY AND SETTLEMENT (AMENDMENT)
BILL, 2013**

A

BILL

**FURTHER TO AMEND THE ODISHA SURVEY AND
SETTLEMENT ACT, 1958**

BE it enacted by the Legislature of the State of Odisha in the
Sixty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Odisha Survey and Settlement (Amendment) Act, 2013.

Amendment
of section 19.

2. In the Odisha Survey and Settlement Act, 1958 for Section 19, the following section shall be substituted, namely:—

Odisha Act 3
of 1959.

“Principle for
fixing Rent.

19. (1) The Government may fix different rent, for different classes of land used for agriculture at such rate as may be prescribed basing on the classification of such land under the Odisha Land Reforms Act, 1960.

Odisha Act 16
of 1960.

(2) The Government may, by notification, revise the rate of rent fixed for any class of land in every five years.

(3) The rate of rent so fixed by the Government under sub-section (1) shall be payable from the date of commencement of the agricultural year followed by the date of notification, notwithstanding the rate of rent already fixed in the record-of-rights prepared and published under Chapter-III of this Act:

Provided that whenever any record-of-rights is prepared under Chapter-III after fixation of such rent by the Government the record-of-rights shall provide the rent so fixed by the Government as in force on the date of its publication.

(4) The rate of rent fixed for the lands used for industrial or commercial purpose shall be revised in every five years.

Explanation.—For the purpose of this section—

- (i) “Commercial purpose” means use of land for commerce or for storage of goods or as an office whether attached to an industry or otherwise;
- (ii) “Industrial purpose” means use of land for the purpose of Industry;
- (iii) “Industry” means carrying on of any manufacturing process as defined in the Factories Act, 1948 and word “industrial” shall be construed accordingly.

Act 63
of 1948.

(5) The rate of rent fixed for homestead land shall be revised in every ten years.

(6) The rate of rent fixed for land used for agricultural purpose may be revised in every fifteen years.

(7) Whenever distress is caused to the land owners by serious drought, flood, fire, cyclone, earthquake or any other serious natural calamity in the vicinity or any part thereof, the Government may, by order, direct that rent payable under this Act in respect of all or any of the lands in the vicinity or such part thereof, as the case may be, shall be remitted or realisation thereof shall be suspended for such period as may be specified in the order.”.

STATEMENT OF OBJECTS AND REASONS

Section 19 of the Odisha Survey and Settlement Act, 1958 prescribes principles for fixing fair and equitable rent for agricultural land on the basis of average price of crops, crops normally grown, situation of land, nature of soil, maximum rent assessed on land of similar quality and productivity elsewhere etc.

2. In case of non-agricultur land, fair and equitable rent is fixed having regard to the situation of land, purpose for which it is used, communication and marketing facilities and market value of the land.

3. The procedure prescribed in section 19 of the said Act is a cumbersome one and also it takes long time to fix such rent. Section 2 (9-a) of the Odisha Land Reforms Act, 1960, defines 'fair and equitable rent' to mean cash rent payable by reiyats for similar land with similar advantages in the vicinity.

4. Section 2 (5-a) of the Odisha Land Reforms Act, 1960, classifies land as Class-I, Class-II, Class-III & Class-IV. Such classification has been made under the said Act on the basis of irrigation, kinds of crops grown and number of crops grown. The classification is uniform throughout the State and has been accepted for determining 'ceiling area' and 'basic holding' as standard acre is determined on the basis of classification of land. Thus, rent can be fixed under the provisions of the Odisha Survey and Settlement Act, 1958 for different classes of agricultural land basing on the above classification under the O.L.R. Act straightway without leaving the matter to the settlement officials to work out the same. As a matter of fact, the provisions of section 19 of the Odisha Survey and Settlement Act, 1958 defeats the definition of 'fair and equitable' rent and 'classification of land' given in the Odisha Land Reforms Act, 1960. Moreover, periodical revision of rent involves a lot of time and money which can be easily dispensed with by amending section 19 of the Odisha Survey and Settlement Act, 1958.

5. On taking into consideration, in absence of any specific prescription for fixation of rent for land used for the purpose like residence, industry, commerce, etc. there is need to simplify the procedure and prescribe flat rate of rent for use of land for any purpose other than agriculture purpose in rural and urban areas.

6. Usually revision settlements are undertaken after an interval of 25-30 years in absence of any specific stipulation about the interval. A lot of time, money and labour are wasted for periodical revision of rent.

It is now proposed to make provisions in the Act for revision of the rent in every five years in case of land used for commercial and industrial purposes, in every ten years in case of homestead land and in every fifteen years in case of land used for agriculture purposes.

7. The Law Department have concurred in the Memorandum.

8. A tentative Draft of the Bill prepared by the Law Department is annexed to the letter.

9. The Memorandum along with the tentative Draft Bill was placed before the Cabinet for favour of its consideration and approval.

10. The approval of the Minister-in-Charge has been obtained on the proposed legislative measure and the consent of the Hon'ble Chief Minister, Odisha has also been obtained to bring up this Memorandum to the Cabinet.

The Bill seeks to achieve the above objectives.

SURYANARAYAN PATRO
Member-in-Charge

A. K. SARANGI
Secretary
Odisha Legislative Assembly